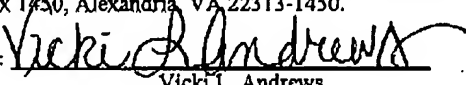


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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	Group Art Unit: 1642
Applicants: Subhra Chakrabarti, et al.	Confirmation No.: 8318
Serial No.: 10/662,044	Examiner: Catherine Joyce
Filed: September 11, 2003	<u>Certificate of Electronic Filing</u>
Title: ANTIBODIES THAT RECOGNIZE HYPERPROLIFERATIVE CELLS AND METHODS OF MAKING AND USING SAME	I hereby certify that the attached Response and all marked attachments are being deposited by Electronic Filing on September 1, 2006 by using the EFS - Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Docket No.: 31302-702.201	By:  Vicki L. Andrews

**DECLARATION REGARDING IDENTITY OF BIOLOGICAL CULTURE DEPOSIT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Mark Glassy, do hereby declare as follows:

1. I am the inventor of the above-cited patent application.
2. I have deposited with the American Type Culture Collection (ATCC) the following cell lines as referenced in the specification of the above-referenced application:  
ATCC Deposit No. PTA-5411; and  
ATCC Deposit No. PTA-5412.
3. The date of the above deposit was August 22, 2003, and a copy of the ATCC Deposit receipt showing that the cells were viable as of September 4, 2003 is attached.

C:\NrPortbl\PALIB1\VA2\2946305\_1.DOC

1

Application No. 10/662,044  
Attorney Docket: 31302-702.201

4. The name and address of the depository is:

American Type Culture Collection  
10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: (703) 365-2700  
Fax: (703) 365-2701

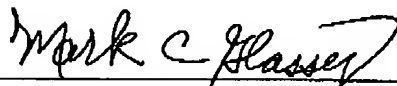
The ATCC is a recognized IDA under 37 C.F.R. 1.803.

5. I affirm that cell lines deposited as of August 22, 2003 referred to as ATCC Deposit No. PTA-5411 and ATCC Deposit No. PTA-5412 are the biological material identified in the specification as the source of the RM2 and RM4 antibodies.

6. I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: September 1, 2006

  
Mark C. Glassy, Ph.D.

**ATCC****BEST AVAILABLE COPY**

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

SHANTHA WEST, Inc.  
Attn: Mark C. Glaser  
1121 Sorrento Valley Road  
Suite C  
San Diego, CA 92121

Deposited on behalf of: SHANTHA WEST, Inc.

Identification Reference by Depositor:

Human Hyaluronate RMM  
Human Hyaluronate RMA

Patent Deposit Designation

PTA-5411  
PTA-5412

The deposits were accompanied by: scientific description and proposed taxonomic description indicated above. The deposits were received August 22, 2003 by the International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available to a patent office authority to the Budapest Treaty countries which right to receive, or if U.S. Patent is known, then the strains, and ATCC is instructed by the United States Patent & Trademark Office not to disclose the existence of these said strains.

If the cultures should die or be destroyed during the five-year term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures listed above was first tested September 4, 2003. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20115-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: September 29, 2003

cc: John Wetherill

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# ATCC

## Mycoplasma Detection

### PCR REPORT for

Customer Name: Fresh Hay

Order Number: in-house

	Customer Designation	ATCC Code	Amplified Product Detected <sup>1</sup>
A	NONE	Positive Control	yes
B	NONE	Negative Control	no
1	PTA-54H	C	yes
2	PTA-54H	C	yes
3			
4			

<sup>1</sup> This test is performed using a detection arrangement with Epoch Molecular Systems, Inc. and Applied Biosystems. A positive result indicates presence of amplified DNA in the 200-400bp size range. A negative result indicates that there was no amplified DNA detected in the 200-400bp size range. Some samples are required to undergo further steps to confirm initial results. Final results will be reported the following week.

DNA extracted from the pooled test samples has been subjected to amplification by PCR using primers provided in the ATCC Mycoplasma Detection Kit. These primers primarily amplify DNA fragments of approximately 200-400bp in length. The primers are allowed to amplify DNA from cultures containing *Mycoplasma agalactiae*, *M. fermentans*, *M. hominis*, *M. mycoides*, *M. pneumoniae*, *M. genitalium*, and *M. hyopneumoniae*, as well as many other species of Mycoplasmas. While the primers exhibit excellent specificity, non-specific DNA amplifications in the 200-400bp size range may occur, such as certain strains of *Salmonella* and *Chlamydia* has been observed. The primers may also amplify mycoplasma-specific DNA fragments from mycoplasmas that have been inactivated by treatment with solvents or other techniques that leaves the mycoplasma DNA intact.

#### COMMENTS

Collopy, Sarago

Biologist

9/12/06

Signature

Title

Date

Reviewed by: Debby Polayco

TOTAL P.02

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ATCC

12301 Northside Parkway  
Baltimore, Maryland 21226 USA

SHANTHA WEST, Inc.  
Attn: Mark C. Glessey  
1191 Sonoma Valley Road  
Suite C  
San Diego, CA 92121

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